

DRUG ABUSE AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Criminal Code to impose a penalty for a person who fails to seek or provide assistance when another person appears to be seriously affected by a controlled substance.

Highlighted Provisions:

This bill:

- ▶ provides that if a person is in the presence of an individual who reasonably appears to be at risk of death or serious bodily injury due to ingestion of a controlled substance, gas, or inhalant, it is a criminal offense to fail to seek or provide treatment to mitigate or attempt to mitigate the apparent effects; and
- ▶ provides that the failure to act is a class B misdemeanor.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-5-112.3, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



Section 1. Section **76-5-112.3** is enacted to read:

76-5-112.3. Reckless neglect -- Penalty.

(1) A person commits reckless neglect if, under circumstances not amounting to a felony offense:

(a) the person is in the presence of a second person whom the person knows or has reason to know has ingested a controlled substance, gas, or inhalant, and the second person is in physical condition that a reasonable person would perceive as creating a substantial risk of death or serious bodily injury, as exhibited by physical symptoms such as intoxication, unconsciousness, euphoria, dizziness, stupor, or inability to move; and

(b) the person fails to make reasonable efforts to obtain or provide emergency medical assistance for the second party to mitigate or attempt to mitigate the apparent effects of the controlled substance, gas, or inhalant.

(2) Reckless neglect is a class B misdemeanor.

Legislative Review Note

as of 2-6-06 1:51 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0391

Drug Abuse Amendments

14-Feb-06

10:23 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact for law-abiding citizens.

Office of the Legislative Fiscal Analyst